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ELECTRONICALLY FILED ON:

October 3, 2012

Attorneys for Defendant
EDUCATIONAL CREDIT MANAGEMENT CORPORATION

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

JOHN STEVEN MIDDLETON,

Debtor.

JOHN STEVEN MIDDLETON,

Plaintiff,

vs.

PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY, NORTH
CAROLINA STATE EDUCATION
ASSISTANCE AUTHORITY, UNITED
STATES DEPARTMENT OF
EDUCATION, MICHIGAN HIGHER
EDUCATION ASSISTANCE AUTHORITY,

Defendant.

) Case No.: 11-13213-MKN

) [Chapter 7]

) Adv. No.: 11-01147-MKN

) **STIPULATION RE: DISMISSAL OF
COMPLAINT WITHOUT PREJUDICE**

) **Status Conference:**

) Date: October 4, 2012

) Time: 10:00 a.m.

) Courtroom: "2"

TO THE HONORABLE MIKE NAKAGAWA, UNITED STATES
BANKRUPTCY JUDGE:

//

1 Defendant Educational Credit Management Corporation ("ECMC"), by and
2 through its undersigned counsel and Plaintiff John Steven Middleton ("Plaintiff"), pro
3 se, stipulate and agree as follows:

4 1. Plaintiff executed a Federal Consolidation Loan Application and
5 Promissory Note (the "Note"), in the sum of \$60,364.00. (Sixty Thousand, Three
6 Hundred, Sixty-Four Dollars) disbursed on or about February 6, 2006.

7 2. Plaintiff filed a voluntary Chapter 7 petition on or about March 9, 2011.
8 Plaintiff commenced this adversary proceeding by filing a Complaint on or about
9 June 7, 2011.

10 3. The aggregate unpaid principal and interest due under the Note is
11 \$100,463.30 (One Hundred Thousand, Four Hundred, Sixty-Three Dollars and Thirty
12 Cents).

13 4. The Note, held by ECMC, which is the subject of this adversary
14 proceeding, may be paid through an income based repayment plan with Plaintiff's
15 lender. It is Plaintiff's desire to have his student loan paid through the income based
16 repayment plan.

17 //

18 //

DATED: October __, 2012

DATED: October 3, 2012

By: /s/ Timothy P. Burke
TIMOTHY P. BURKE, ESQ.
Attorney for Defendant Educational
Credit Management Corporation

1 5. Accordingly, Plaintiff has agreed to dismiss his Complaint, adversary
2 number 11-01147-MKN, filed in case number 11-13213-MKN without prejudice.

3
4 IT IS SO STIPULATED.

5
6 DATED: October 2, 2012

7
8 By: 
9
10 JOHN STEVEN MIDDLETON, PRO SE

11 DATED: October ___, 2012

12 TIMOTHY P. BURKE & ASSOCIATES

13 By: _____
14 TIMOTHY P. BURKE, ESQ.
15 Attorney for Defendant Educational
16 Credit Management Corporation
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CERTIFICATE OF SERVICE OF ANSWER

I do hereby certify that on the 3rd day of October, 2012, I mailed a true and correct copy, first class mail, postage prepaid, of the Stipulation to Dismiss Complaint Without Prejudice to the following:

John Steven Middleton, Pro Se
1001 Dumont Blvd., #A109
LAS VEGAS, NV 89169

Dated: October 3, 2012

/s/ Timothy P. Burke

An Employee of the firm
TIMOTHY P. BURKE & ASSOCIATES